

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No.: 3:19-CV-00624-SCR**

**DAVID DUVALL,**

**Plaintiff,**

**v.**

**NOVANT HEALTH, INC.,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court on Plaintiff's Motion (Doc. No. 199) for the Court to enter an Order directing the Clerk to enter a Second Amended Judgment in this matter while reserving, if necessary, the determination of amount of an award of attorneys' fees to Plaintiff for the time spent on appeal. Defendant has filed a Notice that it takes no position on the Motion. (Doc. No. 200).

This Order follows the April 3, 2024 mandate of the United States Court of Appeals for the Fourth Circuit regarding its decision of March 12, 2024, pertaining to Defendant's appeal from the jury verdict and post-trial orders of this Court regarding the trial of this matter. The Fourth Circuit vacated this Court's judgment as to punitive damages, but otherwise affirmed the jury verdict and this Court's judgment as to back pay, prejudgment interest, front pay and attorneys' fees, and remanded the case for entry of an amended judgment consistent with its decision.

The parties have agreed on the terms of a Second Amended Judgment except as to the amount of additional attorneys' fees awardable to Plaintiff. The parties have agreed that the Court may reserve its decision on the amount of attorneys' fees to award related to the appeal.

Wherefore it is **ORDERED AND ADJUDGED** that Plaintiff's Motion (Doc. No. 199) is **GRANTED**, and the Clerk shall enter a Second Amended Judgment, amending the Amended Judgment entered on October 28, 2022, in the format submitted by the parties that provides as follows:

Plaintiff is awarded the following relief:

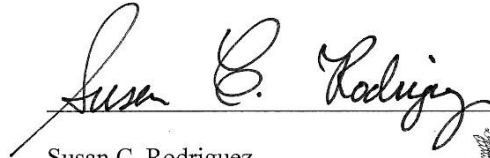
\$2,457,527 in back pay;  
\$332,793 in prejudgment interest;  
\$1,078,066 in front pay;  
\$399,105 in attorney's fees; and,  
\$15,482.11 in costs.

Interest on the above amounts shall accrue from October 28, 2022, at the rate of 4.57 percent per annum applicable on that date, compounded annually, until the date on which the judgment is satisfied, pursuant to 28 U.S.C. § 1961.

The Court reserves ruling on Plaintiff's Motion for Attorneys' Fees on Appeal and will enter a separate Order as to the award of Attorneys' fees at a later date. This Order renders **MOOT** the Plaintiff's prior motion for entry of a Second Amended Judgment (Doc. No. 197).

**SO ORDERED.**

Signed: September 11, 2024

  
Susan C. Rodriguez  
United States Magistrate Judge

